

# EXHIBIT 14

## Nasri Hage

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**From:** Jennifer B. Maisel  
**Sent:** Thursday, January 9, 2025 8:27 PM  
**To:** Gratz, Joseph C.; Homer, Carolyn M.; OpenAICopyright; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI; #NewYorkTimes-Microsoft-FDBR; NYT-OC\_Microsoft  
**Cc:** DailyNews-AI-RFEM; NYT-AI-SG-Service@simplelists.susmangodfrey.com  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Dear Joseph,

We have asked OpenAI to preserve logs of user sessions—and as we have explained, OpenAI should have been preserving these all along. We have provided OpenAI with the News Plaintiffs' content and web domains, and OpenAI has tools and other mechanisms to search for or isolate logs that contain this content or come from these domains. For example, OpenAI should be able to determine when one of the News Plaintiffs' domains is accessed as part of retrieval augmented generation (RAG). We also understand from discovery to-date that OpenAI has created tools, such as a [REDACTED], for the purpose of identifying copyrighted output from the News Plaintiffs, whether as part of RAG or not.

We can discuss with you during the meet and confer any alleged burden to preserve all logs. We are available tomorrow 2-3pm ET.

BR,  
Jen



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**From:** Gratz, Joseph C. <JGratz@mofo.com>  
**Sent:** Thursday, January 9, 2025 2:39 PM  
**To:** Jennifer B. Maisel <jmaisel@rothwellfigg.com>; Homer, Carolyn M. <CMHomer@mofo.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; KVP-OAI <KVPOAI@keker.com>; #NewYorkTimes-Microsoft-FDBR <NewYorkTimes-Microsoft-FDBR@faegredrinker.com>; NYT-OC\_Microsoft

<NewYorkTimes\_Microsoft\_OHS@orrick.com>

Cc: DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com

Subject: RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer,

In your email of yesterday, which responds to my letter of last Friday, you request a meet and confer and ask us to be prepared to address, among other things, “whether OpenAI will agree to hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs’ content.”

We want to do our best to be prepared to discuss the subjects you want to discuss. So that we can evaluate your request, could you tell us what, in your view, would identify a ChatGPT user conversation as “containing any of the News Plaintiffs’ content”?

That further detail on your request will let us come to the meet and confer prepared for a fruitful discussion. We are also, of course, happy to have a discussion about that very question if it would be helpful to the process.

**Joseph Gratz** (he/him)

Partner

[JGratz@mofo.com](mailto:JGratz@mofo.com)

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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>

**Sent:** Wednesday, January 8, 2025 6:13 AM

**To:** Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>

**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; NYT-AI-SG-Service@simplelists.susmangodfrey.com

**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

**External Email**

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Dear Carolyn and Joe,

Please let us know your availability for a meet and confer tomorrow. During the meet and confer, please be prepared to address: (1) whether OpenAI will agree to hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs’ content, and (2) the nature and volume of user conversations OpenAI has failed to preserve.

We further disagree with your characterization of the Parties’ discussions on this issue. On March 5, 2024, Ian Crosby reiterated that we “will comply with our preservation obligations and expect you to do the same,” and the Parties all agreed that outputs were at issue in the case in the joint Rule 26(f) Report filed on March 8, 2024 (Dkt. 72).

Best regards,  
Jen



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**From:** Homer, Carolyn M. (via NYT-AI-SG-Service list) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>  
**Sent:** Friday, January 3, 2025 6:06 PM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
**Cc:** DailyNews-AI-RFEM <[DailyNews-AI-RFEM@rothwellfigg.com](mailto:DailyNews-AI-RFEM@rothwellfigg.com)>; [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)  
**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer,

On behalf of Joe Gratz, please see attached correspondence.

**Carolyn Homer**  
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**From:** Homer, Carolyn M. <[CMHomer@mofo.com](mailto:CMHomer@mofo.com)>  
**Sent:** Tuesday, December 24, 2024 10:18 AM  
**To:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>; OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR

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Subject: RE: NYT/NYDN - ChatGPT Retention Policies

Jennifer: We have been diligently working on a response, but the holiday schedules of our team and client have delayed us getting it over to you. We will have a response to you next week, and if still necessary, let's plan on conferring on January 6.

**Carolyn Homer**

Of Counsel

[cmhomer@mofo.com](mailto:cmhomer@mofo.com)

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**From:** Jennifer B. Maisel <[jmaisel@rothwellfigg.com](mailto:jmaisel@rothwellfigg.com)>

**Sent:** Monday, December 23, 2024 4:31 PM

**To:** OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI

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Subject: RE: NYT/NYDN - ChatGPT Retention Policies

**External Email**

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Counsel,

Please be advised that, in view of OpenAI's lack of response to the issues raised in my December 10 letter, News Plaintiffs are prepared to raise these issues with the Court to be addressed at the next status conference.

In view of the upcoming holidays, please advise as your availability to meet and confer on these issues on January 3<sup>rd</sup> or 6<sup>th</sup>.

BR,  
Jen



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**From:** Jennifer B. Maisel  
**Sent:** Thursday, December 19, 2024 2:16 PM  
**To:** OpenAICopyright <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); KVP-OAI <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; #NewYorkTimes-Microsoft-FDBR <[NewYorkTimes-Microsoft-FDBR@faegredrinker.com](mailto:NewYorkTimes-Microsoft-FDBR@faegredrinker.com)>; NYT-OC\_Microsoft <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>  
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**Subject:** RE: NYT/NYDN - ChatGPT Retention Policies

Counsel,

Having not received confirmation that OpenAI will: (1) identify any output containing content from any of the News Plaintiffs that has been deleted, and (2) hereafter preserve ChatGPT user conversations containing any of the News Plaintiffs' content, please advise as to your availability for a meet and confer on these issues tomorrow. We are available 9:30-11:30am ET.

BR,  
Jen



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**From:** Jennifer B. Maisel  
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Cc: DailyNews-AI-RFEM <DailyNews-AI-RFEM@rothwellfigg.com>; NYT-AI-SG-Service@simplelists.susmangodfrey.com  
Subject: NYT/NYDN - ChatGPT Retention Policies

Counsel,

Please see the attached correspondence.

Best regards,  
Jen



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